IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

Crl.Rev.Pet.No. 799 of 2007()

CRA.838/2006 of SESSIONS COURT, KOZHIKOE
MC.79/2006 of JUDL. MAGISTRATE OF FIRST CLASS-III, KOZHIKODE

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REVN. PETITIONER: APPELLANT/RESPONDENT

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1. P.YOUSUF, S/O.MOIDU, AGED 60 YEARS,
   RUKSANAS, KOTTAYAM AMSOM, DESOM, KODAMPOYIL,
   THALASSERY.

2. K.T.MAHROOF, S/O.ABDULLA, AGED 45 YEARS,
   PUTHEN PURAYIL HOUSE, KOTTAYAM AMSOM,
   ERUVATTY DESOM, THALASSERY TALUK.

BY ADV. SRI.P.P.RAMACHANDRAN

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 22/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P. NO. 799 of 2007

Dated this the 22nd day of February, 2007

ORDER

The revision petitioners are the sureties of the absconding accused in the case with respect to the offence under section 138 of the Negotiable Instruments Act. The trial court imposed a penalty of Rs.25,000/- on each of them, and on appeal the amount was reduced to Rs. 10,000/- It was submitted that the orders of the courts below amounted to illegality and that they are ready to produce the accused and hence they may be exonerated from paying the penalty of the above amount. It was also submitted at the time of hearing that the amount of penalty ordered may be substantively reduced.

2. It is submitted by the counsel for the revision petitioners that the accused is a relative of the sureties and that he is right now in the Middle East.

3. On a consideration of the judgments of the courts below, I find that there is no illegality in the orders impugned. The matter pertains to the C.C. No. 150/2002 and as already

mentioned, with respect to the offence under section 138 of the Negotiable Instruments Act. It was submitted that the petitioners are unable to raise the amount of penalty and that the amount may be substantively reduced. Considering the plea that the petitioners are too poor the amount of penalty is reduced to Rs.8,000/- each and the rest of the order of the court below is sustained.

The revision petition is disposed of accordingly.

K.R.UDAYABHANU,JUDGE.

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